

**Elections Commission**  
*City and County of San Francisco*

Roger Donaldson, President  
Viva Mogi, Vice President  
Christopher Jerdonek  
Charles Jung  
Jill Rowe  
Dominic Paris  
Rosabella Safont



John Arntz, Director of Elections

Don Chan, Secretary

**REGULAR MEETING MINUTES**

**San Francisco Elections Commission**  
**Wednesday, February 21, 2018**  
**6:00 p.m.**  
**City Hall, Room 408**  
**1 Dr. Carlton B. Goodlett Place**  
**San Francisco, California 94102**

**Order of Business**

**1. Call to Order & Roll Call**

President Donaldson called the meeting to order at 6:00 PM. Present: Commissioners Jerdonek, Jung, Mogi, Paris, Rowe. Commissioner Safont arrived at 6:02 PM. Also present: Director of Elections John Arntz, Deputy City Attorney White, and Secretary Don Chan.

**2. General Public Comment**

Mr. David Cary expressed his appreciation for their service.

**3. Open Source Voting.**

a) Commissioners' Reports

Commissioner Jerdonek reported that he spoke at a conference at UC Hastings College of Law in January. California Secretary of State was asked about open source voting and replied that counties should hurry and submit a system for certification.

He read the Slalom report and submitted comments for their consideration. He also has been speaking with California Clean Money Campaign and they have come out in support of open source voting. Finally, he read the Department's RFP for the interim voting system and thought it was well prepared, flexible in terms of length, and responsive to the needs of open source.

b) Technical Advisory Committee Report

Mr. Larry Bafundo, Vice Chair of the OSVTAC, commented that the Committee continues to monitor developments in election technology modernization efforts, building public awareness of the City's efforts to implement open source voting, at different venues (eg. National Elections Integrity Conference). The Committee continues to refine its Recommendations document, with upcoming

discussions on using Agile procurement strategies for managing an effort like this, and security issues.

c) Director's Report

Director Arntz stated that he had just received the revised report from Slalom but has not had a chance to review it. There is no set deadline for a final report.

President Donaldson mentioned that in BOPEC there was a discussion about the budgeting process in regards to open source voting system, and that the status of this report wouldn't affect that. Director Arntz said he believes that if any funds are given to this project, that they would most likely be requested by the Mayor's office to COIT.

Asked who has seen the Slalom report, Director Arntz said Matthias Jaime, Director of COIT; Ken Bukowski, Admin. Services; Linda Gerull, CIO, Department of Technology; Commissioner Jerdonek asked Director Arntz if he would have to do a presentation to COIT if the project were to be funded. (Yes).

d) Draft report by Slalom

Discussed within part (c) of this item.

#### Public Comment

Mr. Brent Turner, CAVO, said the California Clean Money Campaign held a press conference where they publicly endorsed open source voting for the City. He then asked why, given the amount of the contract for the interim voting system (>\$10 million) the LBE condition was waived? The deadline for proposals is very close to the question period (which leaves little time for digesting questions), can it be moved back? Lastly, why is the Slalom report being revised without public participation?

Mr. David Schmidt, California Clean Money Campaign, said they endorse the development of San Francisco's open source paper ballot voting system, and the use of GPL v3 licensing for this system. He then read the press release the organization had released.

Mr. David Cary expressed pessimism for the possibility of funding for open source voting due to the lack of any evidence the topic is on the table with the Mayor's office, COIT or other city agency involved in budgeting.

President Donaldson said the email Mr. Turner mentioned did not have time to get into the evening's agenda packet but will be included in the next month's meeting materials. Also, questions regarding the RFP are not in the purview of the Commission's authority, and should be submitted through the normal RFP process for monitoring of any irregularities.

#### **4. Approval of Minutes of Previous Meeting**

Commissioner Paris moved to approve the minutes of the January 17, 2018 Commission meeting, seconded by Commissioner Safont. Upon voice vote the motion carried unanimously, 7-0.

#### **5. Commissioners' Reports**

Commissioner Paris announced that his term expired in January and he felt that certain factors led him to decide not to request a renewal of his appointment. On a professional level he felt that the goals and objectives he sought when first appointed have in the main been reached and left no further policy matters for him to pursue, and that the work towards open source voting was still paramount in the Commission's vision so he was comfortable leaving that in good hands. There were several personal factors that weighed in: eg. caring for a senior family member, distance of travel (since assuming a job in the south bay, national guard service), so he thanked the Commission for the opportunity of working with

them. Commissioner Rowe thanked him for providing “heart” to the Commission’s discussions, and wished him well in his future endeavors.

President Donaldson announced that Commissioner Jung had been re-appointed for a second term, and thanked him for his service.

## **6. Director’s Report**

Director Arntz pointed out in section 2 there is a statement about Prop N and non-resident voters participating in the November elections. He said Supervisor Fewer tabled the charter amendment so there is no pending legislation that will affect the implementation of Prop N so the Department is moving forward with its implementation.

Director Arntz was asked what specific tasks have to be done for this. He replied that it’s an entirely separate election, requiring the separation of documents and personal information from the general voting population, and clear demarcation between ballot types and tabulation of results.

Director Arntz was asked the implications of a citizen voter registering as a non-citizen voter. Director Arntz didn’t have details about what would happen to a voter who signs an affidavit that s/he is something s/he is not (citizen claiming 'non', or vice versa). But that person would get the appropriate ballot based on their declaration. He mentioned the option of ‘Election Day Balloting’ where a person could fill out an affidavit within 15 days of an election and cast a provisional ballot.

Commissioner Jung asked how non-citizens prove their status. Deputy City Attorney White said it is a difficult question that is still being worked on. It has not been fully resolved or settled.

President Donaldson asked the deadline for submissions to the RFP. (February 28, 2018).

### **Public Comment**

Mr. David Cary said he was pleased to see language in the RFP that referred to the interim system supporting future open source system demands, and for risk limiting audits. He said that the system should support the printing of a unique ballot ID for scans. He said that whether the 1% manual tallies or risk limiting audits, they should tabulate the actual paper ballot.

Commissioner Jung asked Mr. David Cary if he thought there was anything the Commission wasn’t doing but should be (within their purview), in advancing open source voting. Mr. David Cary said that there needs to be the expertise on staff and a dedicated position to oversee the open source voting project fulltime, aside from the Department’s responsibilities to carry out elections. He also would like to see a project plan and hoped that the Slalom report might give some basis for the Commission and Department to set guidelines and timelines to move the work ahead.

Mr. Brent Turner, CAVO, thanked Commissioner Paris for his work. He also supported the comments of Mr. David Cary regarding ballot scanning. He also stated that the minutes of the January Commission meeting should reflect that Mr. Jim Soper had accused him of vandalism. He further said that when there is a conflict of interest, those specific bodies that are involved should be identified (eg. Microsoft, Oracle, IDEO). He reiterated that San Francisco needs to hold the beacon for others to follow in bringing open source voting to fruition.

## **7. Review of Department's FY 2018-'19, and 2019-'20 proposed budgets**

President Donaldson reported that the BOPEC reviewed the proposal and said that as a whole they found it positive and reasonable and approved recommending it to the full Commission. President Donaldson pointed out a few highlights: in the Director’s summary it shows higher costs in 2019 due to more elections. There is an overlap in budgetary costs for this year and

2018-19 due to the lease of the interim system. There is the added cost from Prop N. and there is no line item for the open source voting system, which would come via the COIT budget.

Director Arntz briefly summarized some budget forms that showed comparisons for the 2 upcoming years and the current budget.

Vice President Mogi asked if the reimbursement from SFUSD for Prop N was an agreed upon amount? Director Arntz said that it was just a projected amount, not a negotiated cost. Traditionally such costs are charged to each district to hold the election (school district elections are usually charged back to them).

There was no public comment.

Commissioner Jerdonek moved to approve the proposed budget, seconded by Commissioner Paris. Upon voice vote, the motion carried unanimously, 7-0.

## **8. Public Employee Appointment/Hiring: Director of Elections**

- a) Commissioner Paris moved to go into closed session, seconded by Commissioner Safont.
  
- b) Public Comment  
Mr. Brent Turner wanted to have an open selection process for a Director of Elections.

Upon voice vote the motion to go into closed session carried, unanimously, 7-0.  
The Commission convened in closed session at 6:57 PM

- c) The Commission reconvened in open session at 7:28 PM.  
President Donaldson reported that the Commission voted to disclose their action in closed session. That action was to offer Director of Elections John Arntz another 5-year term.

## **9. Agenda items for future meetings**

Commissioner Jerdonek asked if the election plan will be at the next meeting.  
President Donaldson wanted to continue the discussion for the next performance evaluation process.

### **Public Comment**

Mr. Jim Soper mentioned a hearing in Sacramento on March 7 at 9am, regarding cyber security in elections. He also mentioned the state's budget of \$134 million for elections equipment did not include any funds for R&D. He said Phil Ting is Chair of the Budget Committee, and David Chiu is on the subcommittee for Government Operations. He encouraged the Commission to contact them and get R&D in the budget.

Commissioner Jung asked if the Commission would have to take that before the City's "State Legislation Committee". Commissioner Jerdonek said that that committee would no longer accept things directly from the Commission, that it would have to be through the Department.  
Mr. Jim Soper said that this was not a legislative matter, but a budgetary issue.

Mr. Brent Turner asked if it would be possible to get a concrete answer to the question of the budget and timelines for the open source voting system.

There being no further business the meeting was adjourned at 7:32 PM.